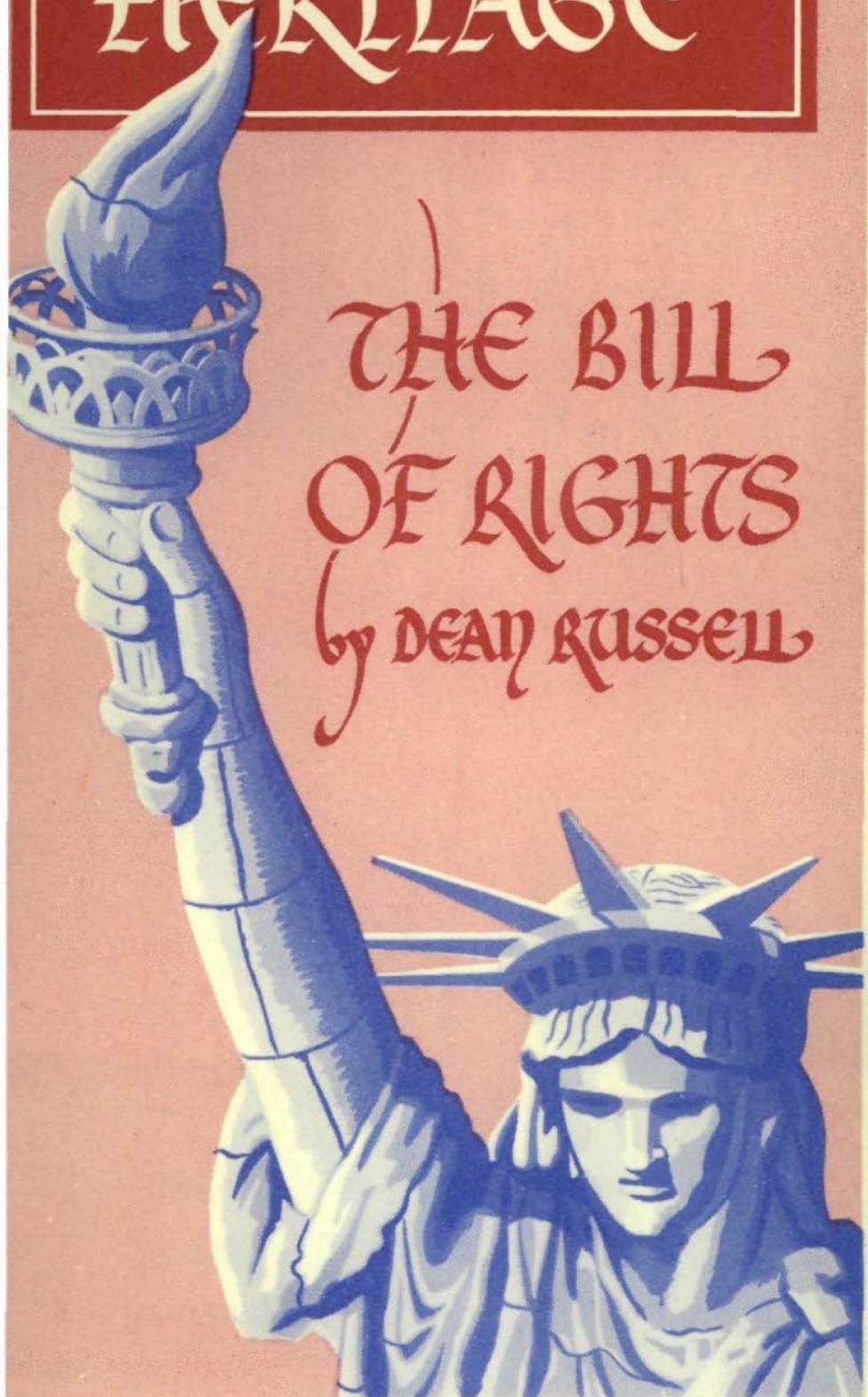


"OUR HERITAGE"

THE BILL
OF RIGHTS
by DEAN RUSSELL



EDITOR'S NOTE

This article is reprinted from the Fall 1948 issue of *Popular Home Magazine*. A reprint of the original Bill of Rights appears on pages 10 and 11. Dean Russell is a member of The Foundation staff.

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THE BILL OF RIGHTS



"On February 6, 1788, Massachusetts, by a narrow margin of 19 votes in a convention with a membership of 335, endorsed the new Constitution, but recommended that a bill of rights be added to protect the States from Federal encroachment on individual liberties. . . . New York ratified, with a recommendation that a bill of rights be appended. . . ." And so on. . . .

WHAT was the reason—the real reason—that caused those early American patriots to distrust a federal government which they were about to bring into existence? Why did the individual citizens within the various sovereign states demand a bill of rights before ratifying the Constitution? Why did statesmen of the caliber of Washington, Jefferson, Adams, and Franklin wish to severely restrict the authority of the central government and to strictly limit the power of its leaders?

There was a reason, a vital reason—a reason that many present-day Americans have forgotten. A reason that, unless we relearn it, will surely mean the loss of personal freedom and individual liberty for all mankind.

Here is the reason: The power of government is *always* a dangerous weapon in *any* hands.

The founders of our government were students of history as well as statesmen. They knew that, without exception, every govern-

ment in recorded history had at one time or another turned its power — its police force — against its own citizens, confiscated their property, imprisoned them, enslaved them, and made a mockery of personal dignity.

That was true of every *type* of government known to mankind. That was true regardless of how the government leaders came to power. It was true — then as now — that government leaders *elected by the people* frequently turn out to be the worst enemies of the people who elect them. Hitler was a recent example. He was not the first; he is not likely to be the last.

A NEW IDEA

IT WAS for this reason that the founders of the American republic introduced into that government a completely new idea.

What was this new idea? Was it the regular election of government leaders by the people? As wise a decision as that was, it was not new. The Greeks, among others, had used it.

Was it the wide dispersal of the powers of government among federal, state, and local units? An excellent system, but not new. It had already proved of practical value in France and other countries.

Was the American method of governmental "checks and balances" a new idea? It was a well-conceived plan; but it was not completely original with us. The British system of King, House of Lords, and House of Commons once embodied the same principle.

Here is the new idea: For the first time in

known history, a written constitution specified that certain institutions and human relations were to be *outside* the authority of government. The government was specifically forbidden to infringe them or to violate them.

WHY GOVERNMENT?

THIS was a revolutionary concept of government! The idea of inalienable rights and individual freedom had never before been incorporated into a national constitution. Never before in history had the people said to the government: "Thou shalt not." Always the government had been able to say to the people: "You may, or you must." Heretofore, government had *granted* certain freedoms and privileges to the people. But the Bill of Rights said, in effect: "We the people are endowed by our Creator with natural rights and freedoms. The *only* reason for our having a government is to protect and defend these rights and freedoms that we already have as individuals. It is sheer folly to believe that government can give us something that already belongs to us."

These free people then listed in their Constitution those specific functions that they wanted government to handle. Then they forbade the government officials to do anything not commanded of them in the Constitution.

But even so, the people were afraid that the elected leaders of the new government might misunderstand the ideals of human dignity, of individual freedom, of the proper functions of government. So, as specific examples of what

they meant, the American people added the Bill of Rights to the Constitution. It might better be called a *Bill of Prohibitions* against government. It is filled with such phrases as: "Congress shall make no law . . .," ". . . the right of the people . . . shall not be infringed . . .," "The right of the people . . . shall not be violated. . . ."

These personal and individual rights include freedom of worship, free speech and a free press, the right to assemble together, the sanctity of person and home, trial by jury, the right to life, liberty, and the private ownership of property.

Finally, to make absolutely sure that no government official could possibly misinterpret his position as servant rather than master, the people added two more blanket restrictions against the federal government. The Bill of Rights specifies that: "The enumeration . . . of certain rights shall not be construed to deny . . . others retained by the people." And: "The powers not delegated to the United States by the Constitution . . . are reserved to the States . . . or to the people."

INDIVIDUAL FREEDOM

IT WAS this philosophy of individual freedom and individual responsibility — reflected in the Bill of Rights — that attracted to this country millions of persons from the government-oppressed peoples of Europe. They came here from every country in the world. They represented every color, every race, and every creed.

They were in search of *personal freedom*, not government-guaranteed "security." And as a direct result of the individual freedom specified by the Constitution and the Bill of Rights, they earned the greatest degree of security ever enjoyed by any people anywhere.

Those new Americans swelled the tide of immigrants by writing the praise of freedom in their letters to relatives and friends who still lived in the countries with *strong governments*, with *one-man rule*, with *government ownership* of the means of production, with *government-guaranteed "security,"* with *government housing*, and *state-controlled education*.

EQUAL RIGHTS

THEIR letters read, in effect: "Here the government guarantees you nothing except life, liberty, and the right to own whatever you have honestly acquired. Here you have the personal responsibility that goes with individual freedom. There is no law or custom that prevents you from rising as high as you are able. You can associate with anyone who wishes to associate with you. Here in America you can do as you please as long as you do not violate the rights of other persons to do as they please. These rights are recorded in the American Constitution and the Bill of Rights. The same documents specify that three-fourths of the states must be in agreement before these rights can be taken away. And, of course, it is foolish to imagine that the people will ever voluntarily give up their freedom."

Such letters would not be completely true today, because that freedom is gradually being lost. But the "progressive" laws and "popular" court decisions of recent years are not primarily responsible for it. Freedom is seldom lost by a direct vote on the subject. In our case, it just seems to be *seeping* away. The Bill of Rights still exists on paper, but the *spirit* that caused it to be written is disappearing. When that spirit is completely gone, the written words will mean nothing.

Thus it behooves us to inquire why that spirit is now weak, and how it can be revived.

WHO IS TO BLAME?

No one person is responsible for sapping that spirit of individualism. No one political party is to blame. The people are as responsible as the elected and appointed leaders. It is we the people who seem to have forgotten that freedom and responsibility are inseparable. It is we the people who are discarding the concept of government that brought forth the Constitution and the Bill of Rights.

In short, few of us seem to want to keep government out of our personal affairs and responsibilities. Many of us seem to favor various types of government-guaranteed and compulsory "security." We *say* that we want personal freedom, but we *demand* government housing, government price controls, government-guaranteed jobs and wages. We *boast* that we are responsible persons, but we *vote* for candidates who promise us special privi-

leges, government pensions, government subsidies, and government electricity.

Such schemes are directly contrary to the spirit of the Bill of Rights. Our heritage is being lost more through weakness than through deliberate design. The Bill of Rights still shines in all its splendor, but many of us are looking in another direction. Many of us are drifting back to that old concept of government that our forefathers feared and rejected. Many of us are now looking to government for security. Many of us are no longer willing to accept individual responsibility for our own welfare. Yet personal freedom cannot exist without individual responsibility.

YOUR CHOICE

THUS the American people are on the verge of a final decision. We must choose between the destruction caused by government paternalism, and the security insured by individual freedom with individual responsibility as expressed in the Bill of Rights. There is no other choice.

As it must, the choice rests with each of us as individual Americans. No one can tell us what to think or do. No one should. To do so would be a violation of both the spirit and the words of the Bill of Rights. As responsible persons, each of us has the privilege and the obligation to pursue what each considers to be the right course of action. But this above all — before we act, let us understand the *meaning* of our actions, the *direction* in which we are going.

THE BILL OF RIGHTS

(*Amendments 1-10 of the Constitution*)

I CONGRESS SHALL MAKE no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

II A WELL-REGULATED MILITIA being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

III NO SOLDIER SHALL, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

IV THE RIGHT of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

V NO PERSON SHALL be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be sub-

ject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

VI IN ALL CRIMINAL prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

VII IN SUITS at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

VIII EXCESSIVE BAIL SHALL not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

IX THE ENUMERATION in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

X THE POWERS NOT delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

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